

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Randy S. Campney, Sr.

v.

Civil No. 06-cv-297-JD

Bare Hill Correctional  
Facility, Superintendent

**REPORT AND RECOMMENDATION**

Petitioner seeks a temporary restraining order and preliminary injunction (Document No. 44). Apparently he wants to enjoin prosecutors and law enforcement personnel from contacting his ex-wife outside his presence.

I recommend that the motion be denied for a number of reasons.

1. The only defendant in this habeas case is the warden. "To hold a non-party bound by an injunction, it is essential to prove either that the non-party participated in the contumacious act of a party or that the non-party (should be) subject to the injunction because legally identified with a party." G&C Merriam Co. v. Webster Dictionary Co., Inc., 639 F.2d 29, 35 (1st Cir. 1980). Here petitioner has shown neither as to the unidentified prosecutors and officers.

2. He has not shown a single fact to suggest that counsel or the police are in contact or have attempted to contact Harris.

3. He has not alleged any facts to establish a likelihood of success on the merits nor even how Harris would have anything to do with this habeas action.

4. Petitioner has not been granted an evidentiary hearing.

In short, I recommend that the motion be denied without hearing.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).

  
James R. Muirhead  
United States Magistrate Judge

Date: December 19, 2007

cc: Randy S. Campney, Sr., pro se  
Stephen D. Fuller, Esq.